

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH A. FERRARA, SR., FRANK H. FINKEL,
MARC HERBST, DENISE RICHARDSON, THOMAS
F. CORBETT, ANTHONY D'AQUILA, THOMAS
GESUALDI, LOUIS BISIGNANO, DOMINICK
MARROCCO, and ANTHONY PIROZZI, as
Trustees and Fiduciaries of the Local
282 Welfare Trust Fund, the Local 282
Pension Trust Fund, the Local 282
Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282
Vacation and Sick Leave Trust Fund,

MEMORANDUM & ORDER
11-CV-2775(JS)(ETB)

Plaintiffs,

-against-

ATLAS CONCRETE STRUCTURES CORP.,

Defendant.

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APPEARANCES

For Plaintiffs: Peter Herman, Esq.
Tzvi N. Mackson, Esq.
Cohen, Weiss and Simon LLP
330 West 42nd Street
New York, NY 10036

For Defendant: No Appearances.

SEYBERT, District Judge:

Plaintiffs, the Trustees of certain employee benefit funds (the "Funds"), sued Defendant Atlas Concrete Structures Corp. to recover unpaid employee benefit contributions owed to the Funds under a collective bargaining agreement. Defendant has not appeared or otherwise defended this suit, and Plaintiffs moved for a default judgment. On May 17, 2012, Magistrate Judge E. Thomas Boyle issued a Report and Recommendation ("R&R")

recommending that Plaintiffs be awarded \$111,555.39 in damages, costs, and attorneys' fees plus additional interest at a rate of \$33.58 per day. No objections were filed within the prescribed time.¹

Judge Boyle's R&R is thorough and well-reasoned. The Court notes one arithmetic error but otherwise ADOPTS the R&R except as discussed herein. Whereas the R&R recommended a monetary award of \$111,555.39, the Court's calculations yield a slightly higher number: \$111,905.39. Accordingly, the Clerk of the Court is respectfully directed to enter judgment against Defendant and in favor of Plaintiffs in the amount of \$111,905.39 plus interest in the amount of \$33.58 per day from and including May 18, 2012 through the date of judgment. Plaintiffs shall also be entitled to post-judgment interest calculated pursuant to 28 U.S.C. § 1961. The Clerk of the Court is further directed to mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 20, 2012
Central Islip, New York

¹ Plaintiffs asked for an extension of time to object to the R&R. That extension was granted in part (Docket Entry 32); nevertheless, no Objection was filed.